

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 5th Day of June 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO.16205/1998

BETWEEN:

G. Gurumurthy,  
s/o G. Mudiyappa,  
aged 35 years,  
Occ:unemployed,  
r/o. Santhebennur,  
T<sub>4</sub>. Channagiri,  
Shimogga.

...PETITIONER

(By Sri. Girish for  
Sri. V.S. Shastri, Adv.)

AND:

1. The Executive Engineer,  
GRBC Division No.3,  
Gokak,  
Belgaum Dist.

2. The Presiding Officer,  
Addl. Labour Court,  
Hubli.

...RESPONDENTS

(By Sri. T.P. Nambiar, AGA)

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This Writ Petition is filed under Articles 226 & 227 of the Constitution of India with a prayer to quash vide Ann-C dt. 29.9.97 by R-2 and etc.

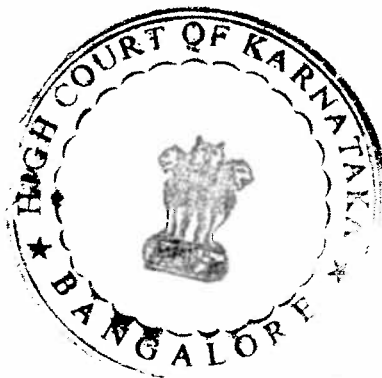
This Writ Petition coming on for preliminary hearing this day, the Court made the following:-

O R D E R

The worker in question was terminated from service on 26-08-1978. He claims that he was working as literate assistant on a daily wage of Rs.6-00. He alleges that he made an application before the Labour Court after Section 10(4-A) was introduced into the statute. He alleges that he approached the authorities for two or three years seeking reinstatement. This is the reason given by him for the inordinate delay. The Labour Court considered the question and came to the conclusion that there was no merit in the case and there are no good grounds to condone delay. The Labour Court pointed out that the worker did not approach the competent authority for reference of the dispute to the Court for adjudication. No reason is forthcoming for the delay. On this ground the Labour Court rejected the application. The said award Annexure-C is challenged.

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2. I have heard Mr. Girish, learned Counsel appearing for Mr. Vigneshwara Shastri. I do not find any ground to interfere with the award of the Labour Court. The worker was dismissed on 26-08-1978. He should have made the application for reference within a reasonable time. Nothing has been done by the petitioner with respect to the dismissal till 1988. The whole issue was raised only because Section 10(4-A) was introduced to the statute. Section 10(4-A) is for vigilant persons and not for the persons who sleeps over the right. The Labour Court is justified in rejecting the application. Writ Petition dismissed.



Sd/-  
JUDGE

ksp/-

bnv/-